



## THE OHIO AUTOMOBILE DEALERS ASSOCIATION

August 4, 2011

Andrew R. Davis  
Chief of the Division of Interpretations and Standards  
Office of Labor Management Standards  
U.S. Department of Labor  
200 Constitution Avenue, N.W. Room N-5609  
Washington, D.C. 20210

Re: Labor-Management Reporting and Disclosure Act; Interpretation of the "Advice" Exemption  
RIN:1245-AA03

Dear Mr. Davis:

The Ohio Automobile Dealers Association represents over 800 franchised car, truck and motorcycle dealers representing thirteen percent of Ohio's retail sales. Franchised dealers in Ohio employ over 38,000 Ohioans. The average employee earns over \$41,500 annually. As one of the largest employers in the state of Ohio, our members understand and value the critical role their employees play in the success of their businesses.

On behalf of our dealers, we are concerned about the Department of Labor's proposed rule narrowing the 'advice exception' under Section 203(b) of the Labor Management Reporting and Disclosure Act (LMRDA). It effectively obstructs the free speech rights of employers by effectively precluding any right to legitimately express their views regarding collective bargaining.

In addition the proposal interferes with the attorney/client relationship of employers and their counsel. This proposed rule dramatically limits the so-called "advice" exception and means that most discussions about unions between company managers and their attorneys or consultants will be subject to public reporting requirements.

There is nothing in the text of the LMRDA or the legislative history that suggests Congress intended to require employers to report basic human resource activities like seminars, employee surveys, or training sessions as potential 'persuasion' activity. The Department has considerably overstated the need and vastly underestimated the costs imposed on employers by this rule.

In closing, we believe the Department has dramatically overstepped its regulatory authority issuing the proposed rule and imposing these reporting requirements. We strongly urge that the rule be withdrawn and that the current, common-sense and bright line interpretation remain in place.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Doran", with a long horizontal stroke extending to the right.

Tim Doran  
President